

FILE

FEDERAL COMMUNICATIONS COMMISSION

Washington, D. C. 20554

NOV 13 2003

OFFICE OF
MANAGING DIRECTOR

Dan J. Alpert
Counsel for ADX Communications
of Pensacola
2120 N. 21st Road
Suite 400
Arlington, VA 22201

Re: Request of Waiver of Fiscal Year 2003 Regulatory Fee
for WBGP-FM
Fee Control No. 00000RROG-04-003

Dear Mr. Alpert:


This is in response to your request dated September 23, 2003 for a waiver of the Fiscal Year (FY) 2003 regulatory fee for Radio Station WBGP FM, Pensacola, Florida, licensed to ADX Communications of Pensacola. You explain that Radio Station WBGP FM is dark. You attach an August 25, 2003 letter from the Commission extending special temporary authority permitting WBGP FM to remain silent through January 31, 2004 because WBGP has not completed construction of the station's ancillary facilities, including its studio.

In Implementation of Section 9 of the Communications Act, 10 FCC Rcd 12,759, 12,762 (1995), the Commission determined that the imposition of a regulatory fee could be an impediment to the restoration of broadcast service by dark stations and that therefore it would waive the fee requirement for stations which are not operating.

Thus, because WBGP FM was dark on September 25, 2003 when payment of the fee was due, your request is granted, and the FY 2003 regulatory fee for WBGP FM in the amount of \$1,850 is waived.

If you have any questions concerning this matter please contact the Revenue and Receivables Operations Group at (202) 418-1995.

Sincerely,



Mark A. Reger
Chief Financial Officer

00000 RROG-04-003

The Law Office of

Dan J. Alpert

2120 N. 21st Rd.
Suite 400
Arlington, VA 22201

(703) 243-8690

(703) 243-8692 (FAX)

September 17, 2003

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SEP 17 2003

Federal Communication Commission
Bureau / Office

Mr. Andrew S. Fishel
Managing Director
Federal Communications Commission
445 12th St. S.W.
Washington, DC 20554

**Re: Station WBGP
Facility No. 539
Pensacola, FL**

Dear Mr. Fishel:

ADX Communications of Pensacola, by its attorney, hereby requests a waiver of its 2003 Annual Regulatory Fee. In support thereof, the following is stated.

In the Memorandum Opinion and Order issued with respect to Implementation of Section 9 of the Communications Act, FCC 95-257 (June 22, 1995), the FCC recognized that waivers of the annual Regulatory Fee was appropriate in certain instances, and specifically determined that it would grant waivers to licensees of broadcast stations which are dark (not operating). The Commission recognized that an imposition of regulatory fees could be an impediment to the restoration of broadcast service, and that such it would be unnecessary for such stations to make any further showing to warrant grant of a waiver. Id. at ¶ 15.

ADX Communications of Pensacola is licensee of Station WBGP(FM), Pensacola, Florida. The station currently is dark. Attachment 1. Accordingly, a waiver of the 2003 Annual Regulatory Fee is appropriate.

WHEREFORE, it respectfully is requested that this request be granted.

Very truly yours,

Dan J. Alpert

Counsel for ADX Communications of Pensacola

RECEIVED OCT 08 2003

COFY

Attachment 1

FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

August 25, 2003

In Reply Refer To:
1800B3-GDG

Dan J. Alpert, Esq.
2120 N.21st Road
Suite 400
Arlington, VA 22201

In re: WBGP(FM), Pensacola, FL
Silent Since: 1/31/2003
Facility No. 539

Request to Extend Special Temporary
Authority

Dear Counsel::

This letter concerns the request, filed August 12, 2003, on behalf of ADX Communications of Pensacola ("ADX"), to extend the special temporary authority permitting permit FM Station WBGP(FM) to remain silent.

Your request updates the station's situation, reporting that ADX has not completed construction of the station's ancillary facilities, including its studio. Your request includes the appropriate certification regarding Section 5301 of the Anti-Drug Abuse Act of 1988

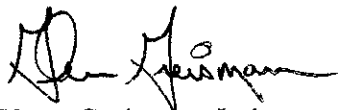
Your request will be granted. Accordingly, special temporary authority is granted to permit FM Station WBGP to remain silent through January 31, 2004. **Notwithstanding the grant of this special temporary authority, the broadcast license for WBGP(FM) will automatically expire if broadcast operations do not commence by 12:01 A.M., February 1, 2004.**¹ See Pub. L. No. 104-104, 110 Stat. 56, § 403(1) (1996) and Order, Silent Station Authorizations, FCC 96-218 (released May 17, 1996).

¹Notification of resumption of broadcast operations must be mailed to.

Federal Communications Commission
Attn: 1800B3-GDG, Room 2-B450
445 12th Street SW
Washington, D.C. 20554

Finally, it is imperative to the safety of air navigation that any prescribed painting and illumination of the station's tower shall be maintained during the period the station remains off air.²

Sincerely,

A handwritten signature in black ink, appearing to read "Glenn Greisman". The signature is fluid and cursive, with the first name "Glenn" and last name "Greisman" clearly distinguishable.

Glenn Greisman, Industry Analyst
Audio Division
Office of Broadcast License Policy
Media Bureau

²See 47 C.F.R. § 73.561(d).